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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/911,149
Filing Date: July 23, 2001
Appellant(s): MERCER ET AL.

Paul D. Amrozowicz
Attorney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/7/2006 appealing from the Office action

mailed 8/5/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under

appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by

Carman (U.S. Patent 6,845,449).

Regarding Claim 1,

Carman discloses a method of establishing a secure

communication channel for information flow between two or more

computers communicating via an interconnected computer network,

comprising:

Receiving a security association data structure from one or more

computers via the interconnected computer network (Column 17, lines 1-

9; and Column 21, lines 9-13);

Storing the received security association data structure in a

memory region having a specific memory address value associated

therewith (Column 17, lines 51-60); and

Assigning the specific memory address value as a security

parameter index value associated with the received security association

data structure (Column 17, line 51 to Column 18, line 56).

Regarding Claim 36,

Claim 36 is a computer readable medium claim that corresponds to

method claim 1 and is rejected for the same reasons.

Regarding Claim 4,

Carman discloses that the received security association data

structure is stored in a security association database that includes other

security association data structures (Column 17, lines 51-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carman in view of Badamo (U.S. Patent Application Publication 2002/0,184,487).

Regarding Claim 2,

Carman does not disclose transmitting the SPI value to the one or

more computers from which the SA data structure was received.

Badamo, however, discloses transmitting the security parameter

index value to the one or more computers from which the security

association data structure was received (Page 1, Paragraphs 21 and 22).

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to incorporate the SPI exchanging technique of

Badamo into the security negotiation system of Carman in order to allow

the recipient of the SPI value access to the SA database for retrieval of all

information related to that SA.

Regarding Claim 6,

Claim 6 is a method claim that corresponds to method claim 2 and

is rejected for the same reasons.

Regarding Claim 8,

Carman discloses that the received security association data

structure is stored in a security association database that includes other

security association data structures (Column 17, lines 51-60).

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Carman in view of Badamo, further in view of RFC791.

Regarding Claim 3,

Carman does not disclose that the specific memory address value

and the security parameter index value, are both 32 bit values.

Badamo, however, discloses that the security parameter index

value is a 32 bit value (Page 1, Paragraph 21). It would have been

obvious to one of ordinary skill in the art at the time of applicant's invention

to incorporate the SPI exchanging technique of Badamo into the security

negotiation system of Carman in order to allow the recipient of the SPI

value access to the SA database for retrieval of all information related to

that SA.

Badamo does not disclose that the specific memory address is a 32

bit value.

RFC791, however, discloses that a specific memory address value

is a 32 bit value (Page 7, Paragraph 4). It would have been obvious to

one of ordinary skill in the art at the time of applicant's invention to

incorporate the addressing system of RFC791 into the security negotiation

system of Carman as modified by Badamo in order to accommodate for

the use of the Internet Protocol (RFC791, Page 7).

Regarding Claim 7,

Carman does not disclose that the specific memory address value and the security parameter index value, are both 32 bit values.

Badamo, however, discloses that the security parameter index value is a 32 bit value (Page 1, Paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the SPI exchanging technique of Badamo into the security negotiation system of Carman in order to allow the recipient of the SPI value access to the SA database for retrieval of all information related to that SA.

Badamo does not disclose that the specific memory address is a 32 bit value.

RFC791, however, discloses that a specific memory address value is a 32 bit value (Page 7, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the addressing system of RFC791 into the security negotiation system of Carman as modified by Badamo in order to accommodate for the use of the Internet Protocol (RFC791, Page 7).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman in view of Nesset (U.S. Patent 6,055,236).

Carman does not disclose that the security association data structure comprises a network destination address and a security protocol identifier.

Nesset, however, discloses that the received security association data structure comprises a network destination address value and a security protocol identifier (Column 22, lines 42-62). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the SA makeup of Nesset into the security negotiation system of Carman in order to uniquely identify an SA for each data packet.

(10) Response to Argument

Applicants argue that Carman does not disclose assigning the specific memory address value as a security parameter index (SPI) associated with the received security association (SA) data structure. Carman does not discuss hashing together of the SPI with the destination address and security protocol to create a hash key that is used to access the SA within the security association database (SAD), as applicant argues. In Carman, the SPI is the sole value used to access the SAD in order to store and retrieve the appropriate SA, as can be seen in Column 17, line 51 to Column 18, line 56. Since Carman does not teach any hashing of the SPI when using the SPI to access the SAD and store/retrieve the SA, or using any other value together with the SPI for accessing the SAD, he does teach assigning the specific memory address value as an SPI associated with the received SA data structure.
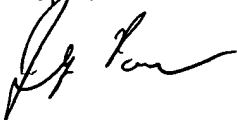
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.
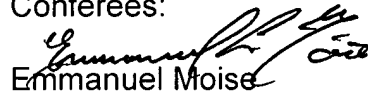
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jeff Popham

Conferees:

Emmanuel Moise

Albert Decady